

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 508**

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**Introduced by Assembly Member Torlakson**

February 24, 2009

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An act to add Section 12814.8 to, and to add and repeal Section 12814.9 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 508, as amended, Torlakson. Vehicles: driver education: provisional licenses.

Existing law, the Brady-Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age pursuant to the provisional licensing program. Under the act, licensees are required to meet specified requirements, driver education, and training, and are prohibited during the first 12 months after issuance of a license from driving between the hours of 11 p.m. and 5 a.m. or from transporting passengers who are under 20 years of age, except as provided. The act further prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is in violation of those restrictions.

This bill would require the Department of Motor Vehicles to collect an additional fee of \$10 for each provisional license application. The bill would create in the State Treasury the Young Driver Education and Safety Fund and would ~~further~~ require the additional fee to be deposited into that fund to, upon appropriation by the Legislature, support the Young Driver Education and Safety Fund Advisory Group and to fund automobile driver's education and training in the public schools, including providing grants to local educational agencies to provide

driver education and training programs in the public schools, under the direction of the Superintendent of Public Instruction in consultation with the Director of Motor Vehicles. The bill would require the State Department of Education to establish a program to provide the grants to local educational agencies, as specified, and would provide that the department may recover its actual costs from the moneys that would be allocated for the program.

The bill would require the Director of Motor Vehicles and the Superintendent of Public Instruction to establish the Young Driver Education and Safety Fund Advisory Group, composed of members representing specified organizations, for purposes of assessing and recommending strategies to improve access to driver education and training, evaluating the effectiveness of current driver education and training standards and curriculum, and reviewing and making recommendations regarding the regulation of private, Internet-based driver education schools. The bill would require the advisory group to meet and hold public hearings and to submit a specified report to the director, the Superintendent, and relevant policy committees of the Legislature. The bill would require the director and the Superintendent of Public Instruction to provide to the advisory group necessary facilities and administrative support and would provide that members of the advisory group are subject to the conflict-of-interest provisions of the Political Reform Act of 1974.

The bill would repeal the provisions relating to the advisory group on January 1, ~~2013~~ 2014.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California legislators were among the first in the nation to
- 4 enact a graduated driver's licensing system which took effect in
- 5 1998. Graduated licenses have clearly helped decrease fatalities
- 6 and injuries caused by teenage drivers.
- 7 (b) According to a study by the Johns Hopkins Bloomberg
- 8 School of Public Health, states with strong graduated driver's
- 9 license laws have reduced fatalities of 16-year-old drivers by 11
- 10 percent. Significant reductions in fatalities have occurred in states

1 such as California that have a three-tiered driver's licensing system,  
2 including passenger restrictions, nighttime restrictions, and longer  
3 mandatory minimum permit holding periods.

4 (c) The Insurance Institute of Highway Safety in 2006 reported  
5 that nighttime crash rates went down 27 percent for young drivers  
6 and crash rates with teenage passengers decreased 38 percent.

7 (d) Nonetheless, motor vehicle crashes continue to be the leading  
8 cause of death for teenage drivers between the ages of 15 and 20,  
9 accounting for 12.6 percent of all fatal crashes according to  
10 statistics compiled by the National Highway Traffic Safety  
11 Administration.

12 (e) These crashes cost an estimated \$40.8 billion in 2002. In  
13 2005, 3,467 15- to 20-year-old drivers were killed and 281,000  
14 were injured in motor vehicle crashes.

15 (f) Though young drivers constitute less than 6 percent of  
16 California's licensed drivers, they accounted for an average of 21  
17 percent of California's traffic fatalities from 2002 to 2004,  
18 inclusive, according to the California Strategic Highway Safety  
19 Plan. This disproportionate fatality rate demonstrates the need for  
20 California to improve how the state manages younger drivers.

21 (g) The California Strategic Highway Safety Plan stated that  
22 one of the key issues for implementation is limited funding for  
23 driver education and training in the public schools.

24 SEC. 2. Section 12814.8 is added to the Vehicle Code, to read:

25 12814.8. (a) In addition to the fees required to be paid to the  
26 department upon application for an original driver's license  
27 pursuant to the provisional licensing program contained in Section  
28 12814.6, the department shall charge and collect a fee of ten dollars  
29 (\$10) for the purpose of funding automobile driver's education  
30 and training programs pursuant to subdivision (j) of Section 51220  
31 of, and pursuant to Section 51851 of, the Education Code. The  
32 department may deduct its actual costs to collect and administer  
33 the additional fee prior to depositing the remaining funds into the  
34 Young Driver Education and Safety Fund pursuant to subdivision  
35 (b).

36 (b) There is hereby established in the State Treasury the Young  
37 Driver Education and Safety Fund. The fees collected pursuant to  
38 subdivision (a) shall be deposited into this fund and shall be  
39 allocated, upon appropriation by the Legislature, to the State  
40 Department of Education. The Superintendent of Public Instruction,

1 in consultation with the Director of Motor Vehicles, shall expend  
2 moneys in the fund first to support the Young Driver Education  
3 and Safety Fund Advisory Group established pursuant to Section  
4 12814.9, and shall expend all remaining moneys in the fund to  
5 increase driver education and training in the public schools,  
6 including, but not limited to, providing grants pursuant to  
7 subdivision (c).

8 (c) (1) The State Department of Education shall establish and  
9 administer a program to provide grants to local educational  
10 agencies to provide driver education and training programs in the  
11 public schools. The department's actual costs for administering  
12 the grant program shall be paid from the allocation made pursuant  
13 to subdivision (b).

14 (2) Priority for funding driver education and training programs  
15 pursuant to this subdivision shall be given to public schools where  
16 a minimum of 40 percent of the pupils in grades 9 to 12 are eligible  
17 for free or reduced-cost meals through the school lunch program  
18 of the United States Department of Agriculture.

19 (3) The State Department of Education may adopt regulations  
20 to implement this subdivision.

21 SEC. 3. Section 12814.9 is added to the Vehicle Code, to read:

22 12814.9. (a) The Director of Motor Vehicles and the  
23 Superintendent of Public Instruction shall jointly establish the  
24 Young Driver Education and Safety Fund Advisory Group  
25 consisting of local, state, and national experts on highway safety  
26 and driver education and training for all of the following purposes:

27 (1) To assess and recommend strategies to improve access to  
28 driver education and training, including potential sources of  
29 funding for driver education and training programs.

30 (2) To evaluate the effectiveness of current driver education  
31 and training standards and curriculum and recommend  
32 modifications to improve the effectiveness of those standards and  
33 curriculum in reducing the fatality rate among teenage drivers.

34 (3) To review and make recommendations regarding the  
35 regulation of private, Internet-based driver education schools.

36 (b) (1) The Director of Motor Vehicles and the Superintendent  
37 of Public Instruction shall request each of the following entities  
38 to provide a representative to serve as a member of the Young  
39 Driver Education and Safety Fund Advisory Group:

40 (A) The Department of the California Highway Patrol.

- 1 (B) The Department of Motor Vehicles.
- 2 (C) The State Department of Education.
- 3 (D) The Automobile Club of Southern California.
- 4 (E) The California State Automobile Association.
- 5 (F) The American Insurance Association.
- 6 (G) The Driving School Association of California.
- 7 (H) The California Teachers Association.
- 8 (I) The California District Attorneys Association.
- 9 (J) The California Coalition of Law Enforcement Associations.
- 10 (K) The California Association for Safety Education.
- 11 (L) The Association of California School Administrators.
- 12 (M) The National Transportation Safety Board.
- 13 (N) The National Highway Traffic Safety Administration.
- 14 (O) *The California State Parent Teacher Association.*

15 (2) The Director of Motor Vehicles and the Superintendent of  
16 Public Instruction may request an entity that is not listed in  
17 paragraph (1) to provide a representative to serve as a member of  
18 the Young Driver Education and Safety Fund Advisory Group if  
19 the director or Superintendent of Public Instruction determines  
20 that representation is necessary for the purposes of this section.

21 (c) (1) Members of the advisory group shall meet and hold  
22 public hearings, as necessary, to carry out the purposes described  
23 in subdivision (a).

24 (2) Members of the advisory group shall serve without  
25 compensation but may be reimbursed for actual and necessary  
26 expenses at the state per diem rate and for reasonable travel  
27 expenses to attend meetings and hearings.

28 (3) Members of the advisory group shall be subject to the  
29 Political Reform Act of 1974 (Title 9 (commencing with Section  
30 81000) of the Government Code) and shall file a statement of  
31 economic interests with the Fair Political Practices Commission.

32 (4) The Director of Motor Vehicles and the Superintendent of  
33 Public Instruction shall provide the advisory group with the  
34 necessary facilities and administrative support.

35 (d) On or before January 1, ~~2012~~ 2013, the advisory group shall  
36 submit a report to the Director of Motor Vehicles, the  
37 Superintendent of Public Instruction, and the chairpersons of the  
38 relevant policy committees of each house of the Legislature. The  
39 report shall include, but shall not be limited to, the information

1 obtained pursuant to the activities described in paragraphs (1) to  
2 (3), inclusive, of subdivision (a).

3 (e) Moneys required to implement this section shall be made  
4 available by the Superintendent of Public Instruction from the  
5 Young Driver Education and Safety Fund.

6 (f) This section shall remain in effect only until January 1, ~~2013~~  
7 ~~2014~~, and as of that date is repealed, unless a later enacted statute,  
8 that is enacted before January 1, ~~2013~~ ~~2014~~, deletes or extends  
9 that date.